

## REMARKS

The undersigned attorney for the Applicant regrets the inadvertent entry of underlining errors in the claim section of the Amendment submitted on or about October 16, 2006. All of the claims have been reviewed for proper amending and have been corrected where indicated by the Examiner, and elsewhere, in order to present herewith the set of claims that are now submitted to be properly amended. The REMARKS presented in the Amendment filed on or about October 16, 2006 are repeated *verbatim* herein.

Rejected claims 73, 88, 98, 108, 114, 117, 119, 148, 155, 429 and 430 have been cancelled without estoppel or disclaimer of the subject matter thereof.

Improperly formatted amendments of claim 82, as noted by the Examiner, are regretted, and this claim has been amended herein to correct the format and an omitted limitation.

The objection to claim 70 is noted, and this claim has been amended herein to obviate the basis for objection.

Rejected claim 119 has been cancelled without prejudice.

Claims 77, 134 and 161 have been rejected under 35 USC § 112, ¶ 1 and ¶ 2 as failing to comply with the written description and as failing to point out and distinctly claim the Applicant's invention. These claims have been amended herein in accordance with the Examiner's suggestion to align the claim recitations

with terminology in the specification. It is therefore respectfully submitted that claims 77, 134 and 161 as amended herein now define the invention with sufficient particular and distinctiveness, using terminology that finds ample antecedent bases in the specification, to be patentable to Applicant.

Claims 70, 71, 75-78, 80, 81, 85, 86, 90-94, 96, 101, 102, 104-107, 109, 137-139, 146, 152, 153, 156-157, 159-162, 166, and 433 have been rejected under 35 U.S.C. §102(e) as being anticipated by Piplani et al. '295. This rejection is respectfully traversed with respect to these claims as amended herein.

These claims as amended herein now variously define the positioning through an opening or arteriotomy in a blood vessel of a graft assembly having a blood-conveying conduit and a flange, or struts or arms, at an end of the blood-conveying conduit, with defined portions oriented both within the vessel and extending through the vessel opening, with an associated blood flow conduit extending through the opening or arteriotomy away from the blood vessel, as specifically defined in the claims. These claims have been amended merely to define the invention more clearly without introducing new issues not previously considered during the prosecution to date.

These aspects of the invention as now claimed are not disclosed or suggested by Piplani et al. '295 which contains no direct or loosely interpretable similarity to the claimed invention. Piplani et al. '295 discloses an entirely intraluminal

placement of a bifurcated graft. Any arteriotomy or opening in a vessel in this reference is temporarily used to install the graft and at no time, neither during installation nor thereafter, supports a blood flow conduit extending through such opening or arteriotomy by any method or procedure resembling Applicant's claimed invention.

And, contrary to the Examiner's analyses of this reference, the arms or struts of Piplani et al. '295 are not disposed ("radially", or otherwise) (e.g., 126) about the opening or arteriotomy in a vessel through which the graft is intraluminally positioned in the vessel. At best, such legs or struts (e.g. 126) of this reference merely engage the inner circumference or perimeter of the vessel, and certainly are not intended, or even desirable, to engage vessel walls about the arteriotomy through which the graft is to be installed. One transitory step of extravascularly aligning or locating any such flange portion of hook-like elements with an arteriotomy that might occur, as the Examiner suggests, during installation procedures according to this reference would clearly be undesirable and certainly cannot anticipate all recited limitations in an entire claim of Applicant's, and certainly does not install a blood flow conduit extending out through such arteriotomy, in any manner as claimed by Applicant. For such reasons, each of the independent claims 70, 75, 80, 94, 109, 137, 153, 431 and 433 as set forth herein are submitted to define Applicant's invention with sufficient particularity and

distinctiveness as not to be anticipated by Piplani et al. '295 according to any reasonable interpretation of its disclosure.

Additionally, the dependent claims 71, 76-78, 81, 85, 86, 90-93, 96, 101, 102, 104-107, 138, 139, 146, 152, 156, 157, 159-162 and 166 are further restricted by various recitations, for example, of a flange portion disposed inside the blood vessel against the sidewall and extending radially away from the opening, or a portion of each of the arms extending through the arteriotomy away from the blood vessel, as in claim 71 and contrasted with the Examiner's analyses of the reference.

These aspects of the claimed invention are not disclosed or even reasonably suggested by Piplani et al. '295 which fails to disclose installing a blood flow conduit extending through a vessel opening or arteriotomy, either as a transitory or final surgical result, and it is therefore respectfully submitted that claims 70, 71, 75-78, 80, 81, 85, 86, 90-94, 96, 101, 102, 104-107, 109, 137-139, 146, 152, 153, 156, 157, 159-162, 166 and 433 are not anticipated by, but instead are patentably distinguishable over Piplani et al. '295.

Rejected claims 108, 114, 117, and 119 have been cancelled without prejudice.

Support for the claim amendments made herein may be found in the specification<sup>1,2</sup>, for example, as follows:

Claims 70, 75, 80, 94:

“... a graft assembly including a blood flow conduit”, and “... an orifice at an end of the blood flow conduit”

See: 10:27-31 (Graft 60 has an outwardly extending flanged end portion 62 as shown in FIGS. 9A, 9C, 9D and 9E.)

See: 12:10 et seq. (Note that strut 90 includes a plurality of intersecting bars 71 which span the orifice of graft 60 near end portion 60 as shown in FIG. 20B.)

Claims 70, 75, 80, 94, 137 and 433:

“... blood flow conduit ...extending outwardly through the

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<sup>1</sup> For convenience, references herein for support of claim changes are to columns and lines of U.S. Patent No 5,304,220, as issued from the original continuation-in-part specification, although additional support and earlier priority are contained in U.S. Patent No. 5,211,683. The present application is a continuation of application Serial No. 09/475,789, filed December 30, 1999, now U.S. Patent No. 6,599,313, which is a continuation of Application Serial No. 09/111,062 filed July 7, 1998, abandoned, which is a continuation of Application Serial No. 09/090,598 filed June 4, 1998, now U.S. Patent No. 5,934,286, which is a continuation of Application Serial No. 09/073,336, filed May 5, 1998, now U.S. Patent No. 5,979,455, which is a continuation of Application Serial No. 08/702,742, filed August 23, 1996, now U.S. Patent No. 5,749,375, which is a continuation of Application Serial No. 08/391,960, filed February 21, 1995, now U.S. Patent No. 5,571,167, which is a continuation of Application Serial No. 08/138,912, filed October 18, 1993, now U.S. Patent No. 5,456,712, which is a division of Application Serial No. 08/056,371, filed on May 3, 1993, now U.S. Patent No. 5,304,220, which is a continuation-in-part of Application Serial No. 07/725,597, filed on July 3, 1991, now U.S. Patent No. 5,211,683.

<sup>2</sup> The supporting passages referenced with respect to the specification and drawings in U.S. Patent No. 5,304,220 are exemplary and not exhaustive. Applicant notes that additional support can be found in U.S. Patent Nos. 5,304,220 and 5,211,683 that is not specifically referenced herein.

arteriotomy away from the blood vessel”

See: 6:65-68 (The preferred method disclosed herein describes the implantation of a graft to couple aorta 16 to right common femoral artery 18 thereby by passing occluded segment 14)

See: 7:26-29 (implantation of a graft prosthesis of the present invention to couple aorta 16 to right common femoral artery 18 thereby bypassing occluded segment 14 of blood vessel 11.)

See: 14:42 et seq. (once blood flow reaches former upstream isolated region 40, a flow of blood will enter graft 60 and flow therethrough to former downstream isolated region so thereby bypassing occluded segment 14.)

Rejected claims 429, 430 have been cancelled without prejudice.

Allowance of claims 121-123, 125, 127, 129-133, 136, 140, 142, 143, 164, 425-428, 432 and 434-436 is noted with appreciation.

Applicant lists the applications that are co-pending with the subject application, and that possibly might be considered as claiming subject matter similar to the present claims, as follows:

Serial No. 10/731,068, filed December 8, 2003, and Serial No. 11/440,267, filed May 23, 2006.

Favorable reconsideration and allowance of all pending claims are solicited.

Respectfully submitted,  
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